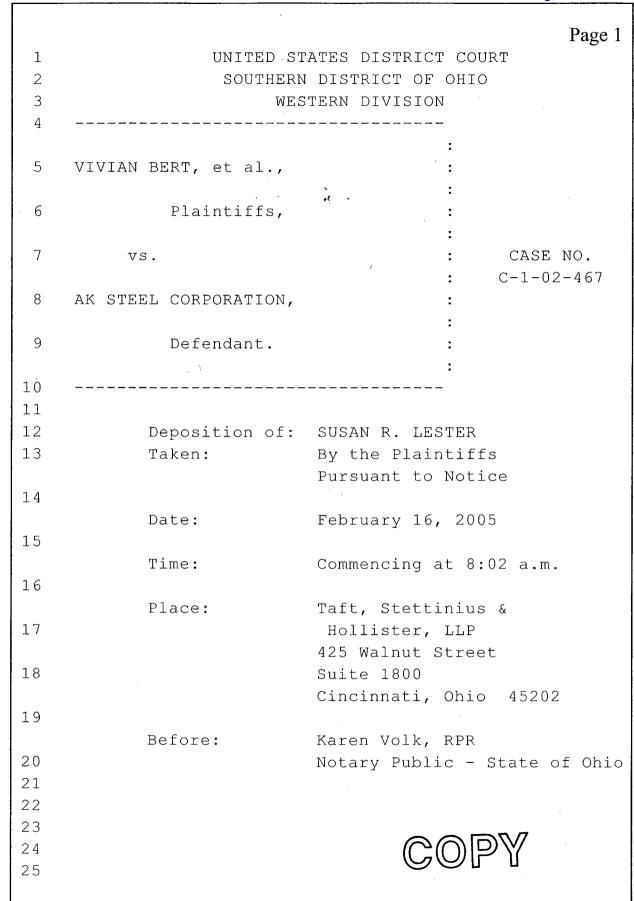
## **EXHIBIT NO. 38**



Page 10 maintenance.

Q. Any job that is not maintenance?

A. Yes, sir.

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Q. All right. Do you keep records, Phyllis, of hires into the Coke Plant and West Works?

6 MR. KAMMER: This one is Susan, not 7 Phyllis.

MR. CHILDS: Susan, excuse me.

Q. Do you keep records of hires into the Coke

10 Plant and the West Works?

A. Yes, sir.

Q. Okay. What kind of records do you

13 maintain of hires into these two facilities?

A. Their employment application, once they're hired, goes into a personnel file and then you have the information in an applicant log.

Q. Would you describe for me what the content is of the applicant log, please, ma'am?

A. This would have a person's name, race and

20 sex.

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Q. Anything else?

A. The date of application.

Q. Anything else?

24 A. At times I'll have just notes for myself

25 on that but --

Page 11

- Q. Is that always complete with these notes?
- 2 A. No
- Q. On what occasions do you make notes as

4 compared to when you do not?5 A. Just more of a time th

A. Just more of a time thing. If I have the time to put something in that database just as a reminder for me, I'll do that. If I don't have the time, then I don't. But I do always get their name and race and sex and date in that -- in that applicant flow.

Q. Do you keep track in this applicant flow data of each step of the hiring process and whether the employee makes it through each step?

A. No. sir.

Q. There are no logs that you would have from January of 2004 which would show, in complete form, in which step potential applicants at Ashland were

18 eliminated from the hiring process, is that correct?
A. That's correct.

Q. All right. Do you know from this

21 applicant's -- I mean, is this chart that you're

22 talking about, is it entitled applicant flow chart or

23 applicant log? What do you call it?

A. I'm not sure that I've always put a title

25 on it. It was an internal document that -- you know,